REMARKS

Claims 1-10 were finally rejected under 35 U.S.C. § 102(e) as allegedly anticipated by

U.S. Patent No. 6,799,047, issued to Bahl et al. ("Bahl"). Applicant respectfully traverses all

rejections of record.

Status of the claims

Claims 1-10 are pending.

Claims 1-10 are rejected under 35 U.S.C. § 102.

Claim Rejections – 35 U.S.C. § 102

Claims 1-10 were rejected under 35 U.S.C. § 102(a) as allegedly unpatentable over

Bahl.

Claim 1 recites, *inter alia*:

> communicating from a computer characteristic data representing radio signal environment in a sub-area corresponding to said location data to said portable device,
>
> and monitoring by said portable device received radio signals corresponding to said data representing radio signal environment to detect a change in location of said device.

Claim 1 recites, "communicating from a computer characteristic data representing

radio signal environment *in a sub-area* corresponding to said location data to said portable

device and monitoring by said portable device received radio signals corresponding to said

data representing radio signal environment to detect a change in location of said device." The

Examiner takes the position that computer (84) described in Bahl communicates with a

portable device as recited in claim 1. (*See* Office Action, page 7). Applicant respectfully

disagrees.

Bahl describes,

> The computer **84** could then again *compare the new calculated location of base station 72 to the known location and determine the difference*. The above iteration can be performed multiple times. The computer **84** could determine which values of the variables in the signal strength equation yielded the most accurate results, and then use those values to generate the table, which would, in turn, be used to calculate the position of the mobile computers. The values of the variables could also be passed to the mobile computer **20** along with a map of the building, so that it can generate a table within itself, and determine its location based on the strength of the signal from various base stations, as described above. As would be known by those of skill in the art, the variables in the signal strength equation could be varied beforehand, generating numerous tables. The above method could then be used to select the most accurate table of the group generated. In either case, the environmentally profiled tables could result in more accurate calculations. Because factors which affect signal strength, such as the number of people present, can vary, the system can be programmed to profile and tune itself, as described above, multiple times.
> (Bahl, col. 12, line 31-60, emphasis added) .

The embodiments described in Bahl are directed towards improving location predictions

based on the locations of the *base stations* and factors such as number of people present

between the base station and the mobile device that might affect signal strength and integrity.

Id. The factors affecting signal strength, pertaining to wall attenuation, physical distances

between access points, and other physical features of the system, are used to refine the

accuracy of the location tables. (Bahl, col. 12, lines 31-60; col. 10, lines 38-43). They do not

contain information about the position of the portable device nor about the radio signal

characteristics of a *particular sub-area associated with the portable device*. In other words,

readjusting predictions of the portable device location based on updating parameters such as

the number of people present in the building and updated *base station location calculations* as

described in Bahl is not the same as "communicating from a computer characteristic data

representing radio signal environment in *a sub-area corresponding to said location data* to

said portable device, monitoring by said portable device received radio signals corresponding

to said data representing radio signal environment to detect a *change in location of said*

device" as recited in claim 1.

For at least the foregoing reasons, because Bahl fails to disclose or suggest all

limitations of claim 1, Applicant respectfully submits that claim 1 is patentable over Bahl.

Additionally, because claims 2-5 depend from claim 1, Applicant respectfully submits that

these claims are also in condition for allowance.

Claim 6 of the present invention recites, *inter alia*:

> a processor arranged to receive from said radio and store location data and
> characteristic data representing radio signal environment in a sub-area
> corresponding to said location data, said processor being arranged to cause said
> receiver to monitor signals corresponding to said radio signal environment and
> to provide said processor with radio signal data corresponding to said radio
> signal environment, and said processor being further arranged to use said radio
> signal data and said characteristic data representing radio signal environment
> in a sub-area corresponding to said location data to determine if said device has
> changed location.

These features of claim 6 are similar to features of claim 1 discussed above.

Therefore, claim 6 should be allowed for at least the same reasons discussed above with

respect to claim 1. Claims 7-10 depend from Claim 6 and should also be allowed for at least

these reasons.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant hereby authorizes the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

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